

California Environmental, Health, and Safety Practice



Aligned with your business.



Highlights of Hunton Andrews Kurth LLP's California Environmental, Health, and Safety Practice

Air Quality and Air Permitting

Our lawyers are at the forefront of air quality issues in California, handling complex permitting matters, variances, emissions credit transactions, enforcement actions and rulemakings before the Air Resources Board and local air districts. We work with all major air districts in developing, appealing and defending permits. We also defend state, local and federal enforcement actions and citizen suits.

Climate Change

In addition to the firm's national involvement on the federal Clean Power Plan (CPP), our California lawyers are actively engaged with clients on advocacy for and implications of California's compliance with the CPP, particularly given the state's emphasis on renewables. We also work with companies on Low Carbon Fuel Standard registration, compliance and enforcement, and on AB32 cap-and-trade issues, including mandatory greenhouse gas reporting regulations. With California being the US gateway to Asia from an economic standpoint, we advise on climate issues and green energy policy for clients internationally, including those in Asian countries.

Water Quality

Our lawyers represent California clients on wastewater, stormwater, recycled water, groundwater, oil field-produced water, agricultural discharge and drinking water issues under the Clean Water Act, the Porter-Cologne Water Quality Control Act, the Safe Drinking Water Act and SB 4, among other statutes. We work with agencies ranging from the US EPA, the State and Regional Water Quality Control Boards and the Department of Conservation's Division of Oil, Gas, and Geothermal Resources on behalf of our clients in matters involving permitting, compliance counseling, enforcement and defense of citizen suits.

Solid and Hazardous Waste Management

We routinely address issues related to management and disposal of both hazardous and non-hazardous wastes, working with the US EPA, the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Boards and CalRecycle to assist clients in permitting, compliance analysis and enforcement. Our California lawyers have defended several high-profile Resource Conservation and Recovery Act civil and criminal enforcement investigations.

CERCLA Litigation and Contaminated Property

We handle all aspects of contaminated property work, from identifying responsible parties, to negotiating cleanup requirements, to defending claims for or seeking cost recovery and contribution, to gaining or limiting site access. We regularly work with US EPA, DTSC, California Regional Water Quality Control Boards, property owners and insurers to negotiate and implement cleanup requirements and agreements.

California's Proposition 65

Our team has represented hundreds of clients in matters alleging product, environmental and occupational exposures to Prop 65-listed chemicals. Representations include alleged cases of exposures to chemicals in food and beverage containers, cosmetic and beauty products, toys, jewelry, china, crystal, food items, computer products, automotive parts, clothing, food supplements and more. We also assist companies selling products into California in establishing compliance programs and conducting audits/assessments of their programs. See Hunton Andrews Kurth's Prop 65-dedicated website, HuntonAKprop65.com.

Enforcement and Internal Investigations

We have extensive experience defending enforcement by federal, state and local regulators, including administrative, civil and criminal claims. With former DOJ lawyers and federal and state agency enforcement lawyers and inspectors on hand, we adeptly defend alleged noncompliance and the third-party citizen suits that often follow government investigations, both in California and in other jurisdictions throughout the Western US.



Due Diligence

Our lawyers have extensive experience in environmental due diligence for projects and transactions. We bring the unique lens of California law to bear in evaluating and advising clients on potential risks and developing strategies



to mitigate or to leverage them in transactions. We help clients anticipate regulatory developments that may impact the value of a transaction, given that California is frequently at the cutting edge of new regulatory approaches.

Incident/Emergency Response and Release Reporting

Unintentional releases of chemicals that may result from tank ruptures, pipeline failures, overpressure incidents at refineries or chemical plants, ammonia refrigeration accidents and the like generate significant public attention as well as potential enforcement response from a range of local, state and federal agencies, and citizen suits/toxic tort litigation. Incidents threaten substantial business interruption, and, in California, they hold even greater potential business risk due to the heightened regulatory and enforcement climate. Our environmental and safety team advises clients in advance and assists them when incidents occur. We immediately respond to and adeptly navigate the issues that arise on the first day, in the next week and over subsequent months to help clients manage and bring issues to closure. We can handle all aspects of the response, from release reporting requirements, to witness interviews, to dealing with investigators, to coordinating with public relations teams, to handling any subsequent litigation.

Process Safety Management/Risk Management Planning

California, through its Division of Occupational Safety & Health (Cal/OSHA) and Cal/EPA, imposes comprehensive process safety and risk management planning requirements on facilities using and storing hazardous chemicals in their operations. Cal/OSHA and Cal/EPA are in the process of adopting standards far more stringent than the US EPA and federal OSHA. We advise our California clients on compliance with these requirements and defend them in enforcement actions that may result from inspections, accidental releases or other means.

Toxic Tort Litigation

Our team includes leading toxic tort litigators with extensive experience defending companies in California in mass claims from industrial accidents or historical activities. Our work focuses on manufacturing, retail and energy-generation sectors, among other sectors, with a focus on pretrial claim winnowing, using case management techniques and motion practice designed for early testing of causation evidence and early challenges to the admissibility and sufficiency of scientific expert opinion. We use comprehensive strategies for handling mass multijurisdictional toxic tort litigation and have successfully implemented those strategies and delivered results effectively and efficiently in numerous cases involving personal injury, wrongful death, product liability, medical monitoring, nuisance, trespass and property diminution. Experienced in class actions, our litigators have successfully defeated class certification in claims involving toxic tort personal injury, medical monitoring and property diminution.

Chemicals and Sustainability

Operating in the world's fifth-largest economy means that California's manufacturing and retail industries must satisfy stringent regulatory requirements for chemicals and products. We have experience with the Green Chemistry Initiative, the Safer Consumer Products Regulations, Extended Producer Responsibility requirements (takebacks) and the interplay of these initiatives with other domestic and international requirements, such as the recently amended federal Toxic Substances Control Act and the European Union's REACH. We help our clients navigate the global supply chain implications and advise on meeting demands for sustainability, while evaluating related product specification and promotion considerations such as US FTC "green claims" guidance.

Wetlands

California, including complex jurisdictional determinations, permit authorizations from the Regional Water Quality Control Boards and the US Army Corps of Engineers, administrative appeals and enforcement defense. We also advise on the interplay with other relevant statutes, such as federal and California Endangered Species Acts, the McAteer-Petris Act, National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), and work with related agencies, including the California Department of Fish and Wildlife, the California Coastal Commission and local conservation commissions.

CEQA/NEPA Compliance

Our team is well versed in CEQA/NEPA requirements that apply to proposed discretionary projects, particularly industrial and energy projects. We assist clients in the preparation of Environmental Impact Reports and Environmental Impact Statements, and review and comment on drafts of those documents.

Pipeline Regulation

Supported by our national pipeline practice, we provide comprehensive counseling for companies that operate intrastate and interstate pipelines. We help navigate federal regulations implemented by the Pipeline and Hazardous

Materials Safety Administration, apply requirements imposed by the California State Fire Marshal and respond to enforcement actions by the US EPA and the US Coast Guard under the Oil Pollution Act. See Hunton Andrews Kurth's dedicated pipeline law website, pipelinelaw.com.

Asia

Teaming with our domestic and international energy and infrastructure regulation and project practitioners, our California lawyers advise clients throughout the state and around the world on the full range of their strategic business objectives, including environmental, climate and energy regulation and policy as well as support for renewable energy and clean power technologies and transactions. We represent project lenders, investors, clean technology and project developers, sponsors and governments throughout the US, Asia, Latin America and other international jurisdictions.



Accolades

- Multiple former government and in-house lawyers, capable of assisting with the most complex and high-stakes environmental and safety matters.
- Hunton Andrews Kurth's California environmental, health and safety (EHS) lawyers have been recognized by several ranking services and publications, including:
 - *Chambers and Partners'* nationwide rankings for Climate Change and California Environmental
 - *Daily Journal's* list of Top 100 Lawyers and Top 100 Women Lawyers
 - *EuroMoney's* List of Leading Women in Business Law
 - *Legal 500* national recognition for Environmental Regulation and Litigation
 - *Martindale-Hubbell®* Peer Review AV Ratings™
- Our nationwide practice has received the following accolades:
 - *Law360* Environmental Group of the Year, 2010-2017
 - 2017 *Chambers & Partners* Environmental Practice Group of the Year
 - 2014 *Chambers USA* Award of Excellence: Environmental, Climate Change
 - *Chambers USA* Nationwide Environmental Band One since 2009

Contacts

The following California-based EHS team members leverage a global practice of more than 60 environmental lawyers.



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Leading California Lawyers in Environmental, Health, and Safety Law

Hunton Andrews Kurth offers a full suite of Environmental, Health and Safety (EHS) legal services in California, with offices in Los Angeles and San Francisco. Our practice covers the full range of state, local and federal environmental and safety laws applicable to California operations and to products sold in California. We work with chemical, food processing, oil and gas, energy, pipeline, cement, mining and manufacturing industries; utilities; trade associations; retail and consumer products companies; and municipalities.

Our lawyers include former federal and state environmental agency and law enforcement officials and in-house counsel, making us ideally suited to handle any California EHS issue a company may face. With rich talent, resources and knowledge of California-specific regulations, we are deftly and nimbly able to navigate the ever- changing demands on industry doing business in California. Beyond the breadth and depth of our California experience, Hunton Andrews Kurth offers the ability to bring to bear the experience of its nationally recognized, nationwide environmental and energy practices. We leverage the experience and deep bench of more than 60 environmental lawyers nationwide to develop real-world solutions to custom fit the needs of our clients. Our California lawyers also work closely with firm lawyers across the nation and the globe to help manage California clients' issues outside the state, as well as to handle matters in California for national and global clients.

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